

### REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 16-27, and 34-36 are pending in this case.

The outstanding Office Action rejected Claims 16-27 and 34-36 under 35 U.S.C. § 102(e) as anticipated by Kolls (U.S. Patent No. 6,615,183).

At the outset, Applicant addresses the assertion at page 4 of the outstanding Office Action that Applicant's previous response was not proper under 37 C.F.R. § 1.111(b). As set out at MPEP § 2131, a reference must teach every element of a claim to anticipate the claim. Thus, because the rejection of the pending claims under 35 U.S.C. § 102(e), in the previous Office Action, was necessarily an assertion that all the elements of the pending claims are taught by the cited reference, Applicant's arguments in the previous response, directed to elements of the claims that are not taught or suggested by the cited reference, Kolls, "specifically [point] out the supposed errors in the examiner's action" and "[point] out the specific distinctions believed to render the claims...patentable over any applied art references," as required by 37 C.F.R. § 1.111(b).

Applicant traverses the rejection of the pending claims.

Claim 16 is directed to an image forming apparatus and includes:

a communications mechanism configured to communicate with a banner advertiser terminal via a network;  
a displaying mechanism configured to display a **banner advertisement**, received from the banner advertiser terminal, **offering at least one of a product and services**; and  
a response sending mechanism configured to **send to the banner advertiser terminal**, through the communications mechanism, **at least one of an order and an inquiry for the at least one of the product and the services** offered by the banner advertisement displayed on the displaying mechanism.

Kolls describes an unattended business center. As described at column 6, lines 6-22, and column 7, lines 6-24 and 61-67, of Kolls, vending machines, such as copiers 602A and facsimile machines 604A, are interconnected with a system 500 that acts as a public access electronic terminal and transaction control device. As described at column 7, lines 6-30, of Kolls, a user can “view, vend, respond to, or purchase from displayed interactive advertising” at the public access electronic terminal and transaction control device, system 500.

Alternatively, as described at column 15, lines 1-19, of Kolls, advertisements can be displayed on display means 580 or 582 that are part of the system 500, and a user can use a microphone 572, speaker 574, and camera 578 that are also part of the system 500 to obtain products, services or information from an “ORGANIZATION” such as “a sales organization, a help desk, or an information center.”

The outstanding Office Action, at page 2, asserts a system 500 “system1 500” of Kolls as the communications mechanism of the image forming apparatus, defined by Claim 16 to “communicate with a banner advertiser terminal...to display a banner advertisement, received from the banner advertiser terminal,” and a second system 500 “system2 500” of Kolls as the banner advertiser terminal defined by Claim 16.

Claim 16 recites the image forming apparatus including “a response sending mechanism configured to **send to the banner advertiser terminal**, through the communications mechanism, **at least one of an order and an inquiry for the at least one of the product and the services offered by the banner advertisement** displayed on the displaying mechanism.”

Thus, to anticipate the subject matter of Claim 16, Kolls must teach that system1 is configured to display a banner advertisement received from system2 500 and that system1 500 is further configured to send to system2 500 “at least one of an order and an inquiry for the at least one of the product and the services offered by” system2 500 “displayed on”

system1 500. Additionally, Kolls must teach the elements with sufficient specificity to satisfy the requirement that “[t]he identical invention must be shown in as complete detail as is contained in the...claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236.

As discussed above, Kolls describes a user of a system 500, system1 500 for instance, obtaining advertised information or products in one of two ways. At column 7, lines 6-30, Kolls describes a user viewing an advertisement displayed on system1 500 and obtaining the advertised object from system1 500. At column 15, lines 1-19, Kolls describes a user viewing an advertisement displayed on system1 500 and obtaining the advertised object from an ORGANIZATION. However, Kolls does not teach or suggest a user viewing an advertisement on system1 500 and obtaining the advertised object from system2 500, which is asserted as the banner advertiser terminal as defined by Claim 16.

Because Kolls does not teach or suggest at least the features of Claim 16 discussed above, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(e) of Claim 16 and Claims 17-21, which depend therefrom, be withdrawn.

Claim 22, though differing in scope and statutory class from Claim 16, patentably defines over Kolls for substantially the same reasons discussed with respect to Claim 16. Thus, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(e) of Claim 22 and Claims 23-27, which depend therefrom, be withdrawn.

Claim 34 is directed to an **information processing** apparatus and includes “a communication interface configured **to communicate with an image forming** apparatus via a network; and a displaying mechanism configured to **display a banner advertisement which is distributed to the image forming apparatus when the image forming apparatus is in a non-operative state.**”

The outstanding Office Action makes no specific assertions to set out how Kolls teaches every element of Claim 34 except to say that Kolls also teaches displaying when the image forming apparatus is in a non-operative state at column 34, lines 39-41.

The cited portion of Kolls describes that non-prime time advertisements can be displayed when the system 500 is not in use. Thus, Applicant assumes that the system 500 is asserted as teaching “an information processing apparatus” as defined by Claim 34.

However, Kolls does not teach or suggest that the system 500 is “configured to **communicate with an image forming apparatus via a network...to display a banner advertisement** which is **distributed to the image forming apparatus** when the image forming apparatus is in a non-operative state,” as recited by Claim 34.

Even if system1 500 is asserted as the information processing apparatus as defined by Claim 34 and system2 500 is asserted as the image forming apparatus as defined by Claim 34, **system1 500 is not configured to display a banner advertisement** which is **distributed to system2 500 when system2 500 is in a non-operative state**. First, Kolls does not teach or suggest that system1 500 is configured to display a banner advertisement distributed to system2 500. Further, Kolls does not teach or suggest that system1 500 displays a banner advertisement when system2 500 is in a non-operative state.

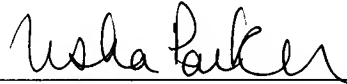
Because Kolls does not teach or suggest at least the elements of Claim 34 discussed above, Applicant respectfully requests that the rejection of Claim 34 under 35 U.S.C. § 102(e) be withdrawn.

Claims 35 and 36, though differing in scope and statutory class from Claim 34, patentably define over Kolls for substantially the same reasons as discussed with respect to Claim 34. Thus, Applicant respectfully requests that the rejection of Claims 35 and 36 under 35 U.S.C. § 102(e) be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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